

STATEMENT OF PURPOSE

RS19511

The purpose of this legislation is to amend I.C. § 20-507 to authorize juvenile court to address timely filed probation violations after a former juvenile turns twenty-one. In a recent decision, *In Re Doe*, 147 Idaho 326, 208 P.3d 730, (2009) the Idaho Supreme Court concluded that the plain language of I.C. § 20-507 required termination of juvenile court jurisdiction once the juvenile reached age twenty-one even if the state filed a probation violation before the former juvenile's twenty-first birthday.

As it now stands, because juvenile court jurisdiction terminates at age twenty-one, a former juvenile cannot be held accountable for his/her probation violation unless the matter can be resolved before he/she turns twenty-one. Even if the probation violation were filed prior to the former juvenile turning twenty-one, there can be no consequences for the probation violation upon the former juvenile turning twenty-one. Thus loss of juvenile court jurisdiction at age twenty-one creates incentive for a former juvenile to violate his/her probation terms or abscond from probation because there can be no penalties once he/she turns twenty-one. This legislation would close that loophole.

The Juvenile Corrections Act is intended to protect the community, provide accountability, and develop competency. By authorizing juvenile court to retain jurisdiction to be able to address timely filed probation violations and to sanction a former juvenile after a former juvenile turns twenty-one would provide greater incentive for the former juvenile to comply with his/her terms of probation and/or not to abscond from probation. Age twenty-one would still be a limitation on juvenile court jurisdiction in other matters, generally limiting juvenile court scope to persons under age twenty-one.

FISCAL NOTE

The fiscal impact is difficult to determine with certainty, as it will depend on the increased number of former juvenile offenders who are convicted of probation violations, if any, under this statute. The potential impact to the general fund would be equal to the cost of incarcerating the additional number of former juveniles charged, convicted, and sentenced as a result of this amendment.

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